

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER

0384-0099-0 PCT

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/508514INTERNATIONAL APPLICATION NO.
PCT/IB99/01430INTERNATIONAL FILING DATE
JULY 26, 1999PRIORITY DATE CLAIMED
JULY 24, 1998

TITLE OF INVENTION

PROCESS FOR PREPARING STARTER CULTURES OF LACTIC ACID BACTERIA

APPLICANT(S) FOR DO/EO/US

Patrick DUWAT, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
- A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - is transmitted herewith (required only if not transmitted by the International Bureau).
 - has been transmitted by the International Bureau.
 - is not required, as the application was filed in the United States Receiving Office (RO/US).
- A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- A copy of the International Search Report (PCT/ISA/210).
- Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - are transmitted herewith (required only if not transmitted by the International Bureau).
 - have been transmitted by the International Bureau.
 - have not been made; however, the time limit for making such amendments has NOT expired.
 - have not been made and will not be made.
- A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
- A copy of the International Preliminary Examination Report (PCT/IPEA/409).
- A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

- An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
- A substitute specification.
- A change of power of attorney and/or address letter.
- Certificate of Mailing by Express Mail
- Other items or information:

Request for Consideration of Documents Cited in International Search Report
Notice of Priority

U.S. APPLICATION NO. (IF KNOWN, SEE 09/508514	INTERNATIONAL APPLICATION NO. PCT/IB99/01430	ATTORNEY'S DOCKET NUMBER 0384-0049-0 PCT	
20. The following fees are submitted:		CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : <input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO \$840.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) \$670.00 <input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$760.00 <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$970.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$96.00			
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$840.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).		<input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30 \$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	31 - 20 =	11	x \$18.00 \$198.00
Independent claims	2 - 3 =	0	x \$78.00 \$0.00
Multiple Dependent Claims (check if applicable).		<input checked="" type="checkbox"/>	\$260.00
TOTAL OF ABOVE CALCULATIONS =		\$1,428.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).		<input type="checkbox"/> \$0.00	
SUBTOTAL =		\$1,428.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).		<input type="checkbox"/> 20 <input type="checkbox"/> 30 + \$0.00	
TOTAL NATIONAL FEE =		\$1,428.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).		<input type="checkbox"/> \$0.00	
TOTAL FEES ENCLOSED =		\$1,428.00	
		Amount to be: <input checked="" type="checkbox"/> refunded \$ <input type="checkbox"/> charged \$	
<input checked="" type="checkbox"/> A check in the amount of \$1,428.00 to cover the above fees is enclosed. <input type="checkbox"/> Please charge my Deposit Account No. 15-0030 in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 15-0030 A duplicate copy of this sheet is enclosed.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.			
SEND ALL CORRESPONDENCE TO: OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. Crystal Square Five, Fourth Floor 1755 Jefferson Davis Highway Arlington, Virginia 22202 703-413-3000			
WILLIAM E. BEAUMONT REGISTRATION NUMBER 30,996			
 SIGNATURE Norman F. Oblon NAME 24,618 REGISTRATION NUMBER March 24, 2000 DATE			

IN RE APPLICATION OF: Patrick DUWAT, et al.

SERIAL NO.: NEW U.S. PCT APPLICATION (based on PCT/IB99/01430)

FILED: HEREWITH

FOR: PROCESS FOR PREPARING STARTER CULTURES OF LACTIC ACID BACTERIA

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.

Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.

Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement submitted herewith.

Additional documents filed herewith: Notice of Priority/Check for \$ 1,428.00/PCT Transmittal Letter Preliminary Amendment/International Search Report/Request for Consideration

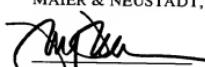
The fee has been calculated as shown below.

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
	CLAIMS REMAINING AFTER		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	
TOTAL	* 31	MINUS	** 31	= 0	X9 = \$.00
INDEP	* 2	MINUS	*** 3	= 0	X39 = \$.00
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM			+130=	+260= \$.00
				TOTAL	TOTAL \$.00

A check in the amount of \$ _____ is attached.

Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

 Norman F. Oblon
 Attorney of Record
 Registration No. 24,618
 William E. Beaumont
 Registration No. 30,996

 Fourth Floor
 1755 Jefferson Davis Highway
 Arlington, Virginia 22202
 (703) 413-3000

*If the entry in Column 2 is less than the entry in Column 1 write "0" in Column 3.

**If the "Highest Number Previously paid for" IN THIS SPACE is less than 20 write "20" in this space.

***If the "Highest Number Previously paid for" IN THIS SPACE is less than 3 write "3" in this space.

110 Rec'd PCT/PTO 24 MAR 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Patrick DUWAT, et al.

SERIAL NUMBER: NEW U.S. PCT APPLICATION (based on PCT/IB99/01430)

FILED: HEREWITH

FOR: PROCESS FOR PREPARING STARTER CULTURES OF LACTIC ACID
BACTERIAREQUEST FOR CONSIDERATION OF DOCUMENTS
CITED IN INTERNATIONAL SEARCH REPORTAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBOLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
William E. Beaumont
Attorney of Record
Registration No. 30,996

Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
(703) 413-3000
Fax No. (703) 413-2220
(OSMMN 1/97)